HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 12480 of 2007

Dated 19th June 2007

Between:

Mohd.Hamed Khan

…Petitioner

and

The Assistant Secretary,
Regional Transport Office, Hyderabad & another

…Respondents

HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 12480 of 2007

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O R D E R:

The petitioner is the owner of a 7-seater auto, bearing No.AP-11W-2437. It was seized under a vehicle check report, dated 16.2.2006, on the ground that it contravened several provisions of the Motor Vehicles Act, and the Rules made thereunder. The petitioner seeks release of the vehicle.

Heard the learned counsel for the petitioner and learned Government Pleader for Transport.

The vehicle of the petitioner has a chequered career. On a previous occasion, it was seized on 25.11.2005, on the ground that the tax was not paid. The petitioner agreed to pay the amount of tax and penalty. The respondents have extended the facility of payment of the amount in instalments. On payment of the first instalment, the vehicle was released, and a sum of Rs.6,800/- remained unpaid. Thereafter,

the impugned seizure took place. Be it for non-payment of penalty, or otherwise, the vehicle of the petitioner remained seized by the respondents, for the past almost 1½ years. This court is of the view that it can be directed to be released, on payment of the amount, which has fallen due, which ultimately is in the form of penalty. The liability of the petitioner, to pay any amount on account of the subsequent seizure, can be decided, after a show-cause notice is issued and an order is passed.

Hence, the writ petition is disposed of, directing the respondents to release the vehicle of the petitioner, on payment of Rs.7,000/- (seven thousand), and on furnishing an undertaking, to the effect that he shall participate in the subsequent proceedings and abide by the orders that may be passed by the respondents. There shall be no order as to costs.

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19th June 2007

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